



# FMCS

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# Role & Function of the FMCS

**FY 2018**  
**(Updated Aug. 1, 2019)**

# Statutory Mission...



1

Created in 1947 as an Independent agency under Taft-Hartley Act.

2

Neither a regulatory nor an enforcement agency, but a neutral party designed to assist labor and management.

3

Make available full and adequate government facilities for conciliation, mediation and voluntary arbitration to aid and encourage [the parties] to settle differences through collective bargaining.



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# Statutory Mission...



4 Helps parties resolve collective bargaining disputes which threaten the free flow of commerce.

5 Make its services available to Federal agencies to aid in the resolution of disputes through assistance, training, and the provision of neutrals.



# FMCS Mission...



1

Promote sound and stable labor-management relations;

2

Prevent or minimize work stoppages;

3

Advocate collective bargaining, mediation, arbitration;



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# FMCS

## Mission...

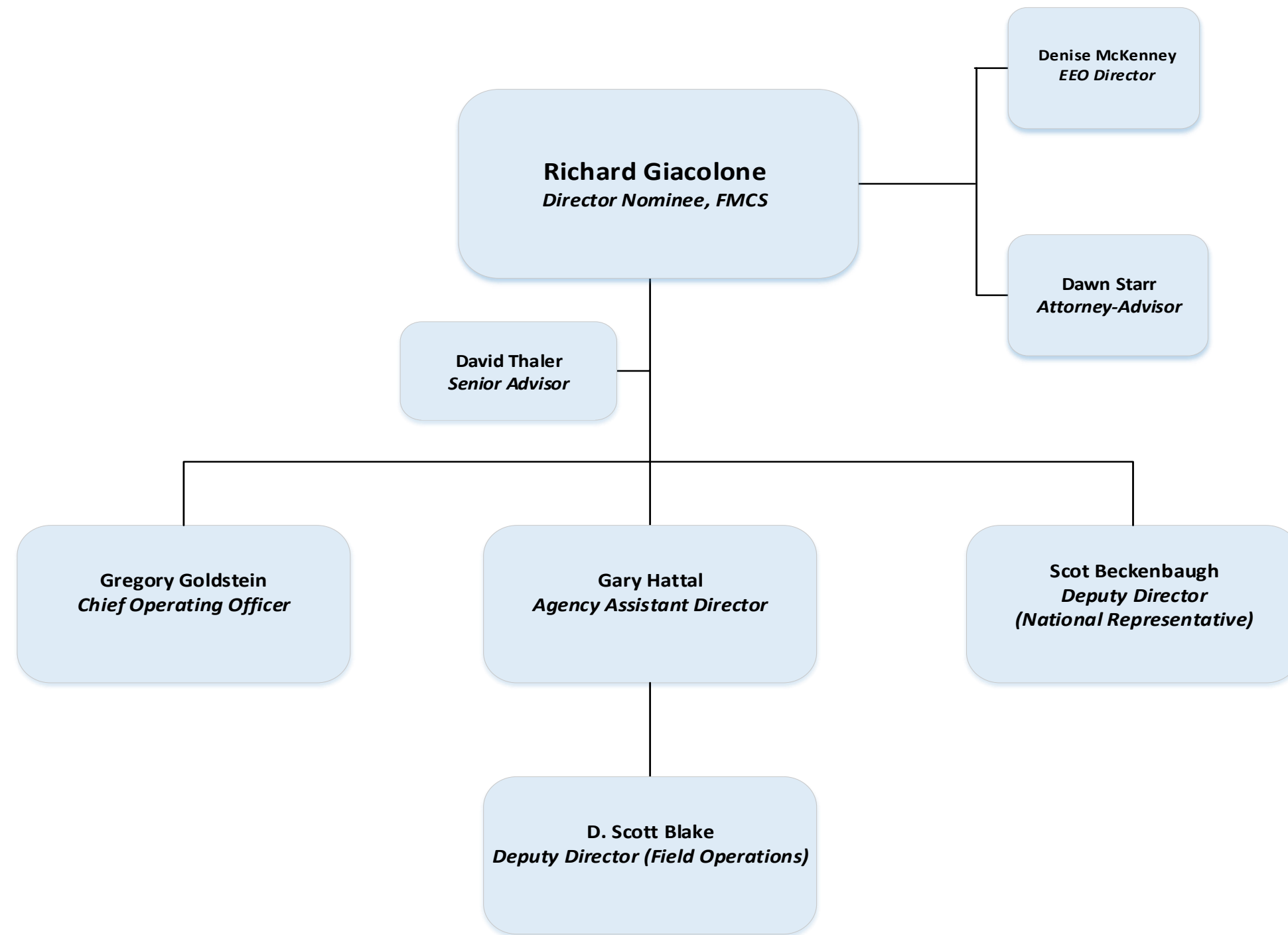


- 1 Advocate the art, science and practice of ADR;
- 2 Provide conflict resolution services;
- 3 Foster improved labor-management relationships.





# FMCS Structure



# Office of the Director



## Richard Giacolone

### *FMCS Director Nominee*

- Nominated by President Trump in January 2019 to lead the Agency
- Mr. Giacolone has mediated thousands of domestic labor and employment cases during his 23-year tenure, ranging from labor disputes at multiple symphonies and orchestras to bus and transportation disputes with coast-to-coast impact.



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# Office of the Director



## Gary Hattal

*Assistant Director*

- Appointed by Director Nominee Richard Giacalone
- He has served FMCS as a field mediator in three field stations (Washington, D.C., Oakland, CA and Seattle, WA), as director of Arbitration Services for the FMCS, as director of the FMCS Institute, and as a special assistant to the FMCS's former Agency Director.



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# Office of the Director



## D. Scott Blake

*Deputy Director, Field Operations*

- Appointed by Director Nominee Richard Giacalone
- Previously served as the Regional Director for the Federal Mediation and Conciliation Service (FMCS) Philadelphia Region since 1995.
- Has served FMCS as a Commissioner since 1972



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# Office of the Director



## Scot Beckenbaugh

### *Deputy Director/National Representative*

- Serves as the Agency's "master mediator" of high profile collective bargaining disputes and is responsible for developing and coordinating increased engagement with FMCS customers for future relationship development and mediation opportunities in key industries and occupations.
- He has extensive experience in public sector dispute mediation, as well as in regulatory negotiations, public policy, land use, and civil rights disputes. A long-time member of the Association of Labor Relations Agencies, Mr. Beckenbaugh also serves on the ALRA Executive Board.



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# Office of the Director



## Gregory Goldstein

### *Chief Operating Officer*

- Joined FMCS in 2018; Mr. Goldstein's 25+ year career in public service, business, and military life has included positions in the U.S. Marine Corps and Army National Guard, and most recently as a member of the Senior Executive Service, serving as Executive Officer and Director of Operations, Management and Technology Office within the Substance Abuse Mental Health Services Administration (SAMHSA).
- Responsible for overseeing FMCS's critical operations initiatives. Mr. Goldstein's considerable leadership and management expertise help to ensure proper development, execution, and coordination of the Agency's management and administrative functions.



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# Office of the Director



## David Thaler

*Senior Advisor, Office of the Director*

- Has trained labor and management partners in many industries in core relationship and communications skills to help them better administer their collective bargaining agreements.
- Internationally, Commissioner Thaler has trained officials from several U.S. and foreign government agencies in mediation and conflict management.



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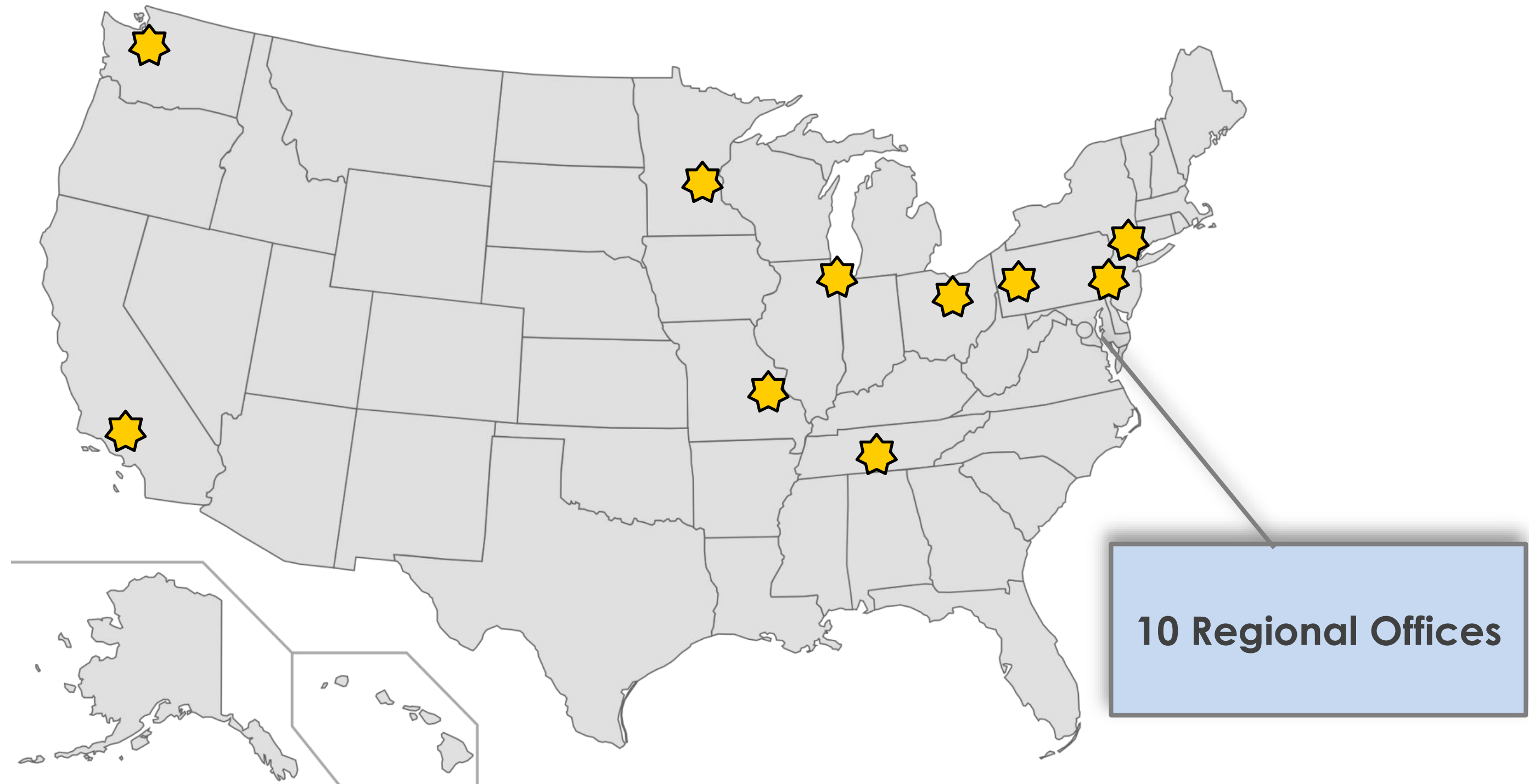
# FMCS Structure



\*As of Aug 1, 2019



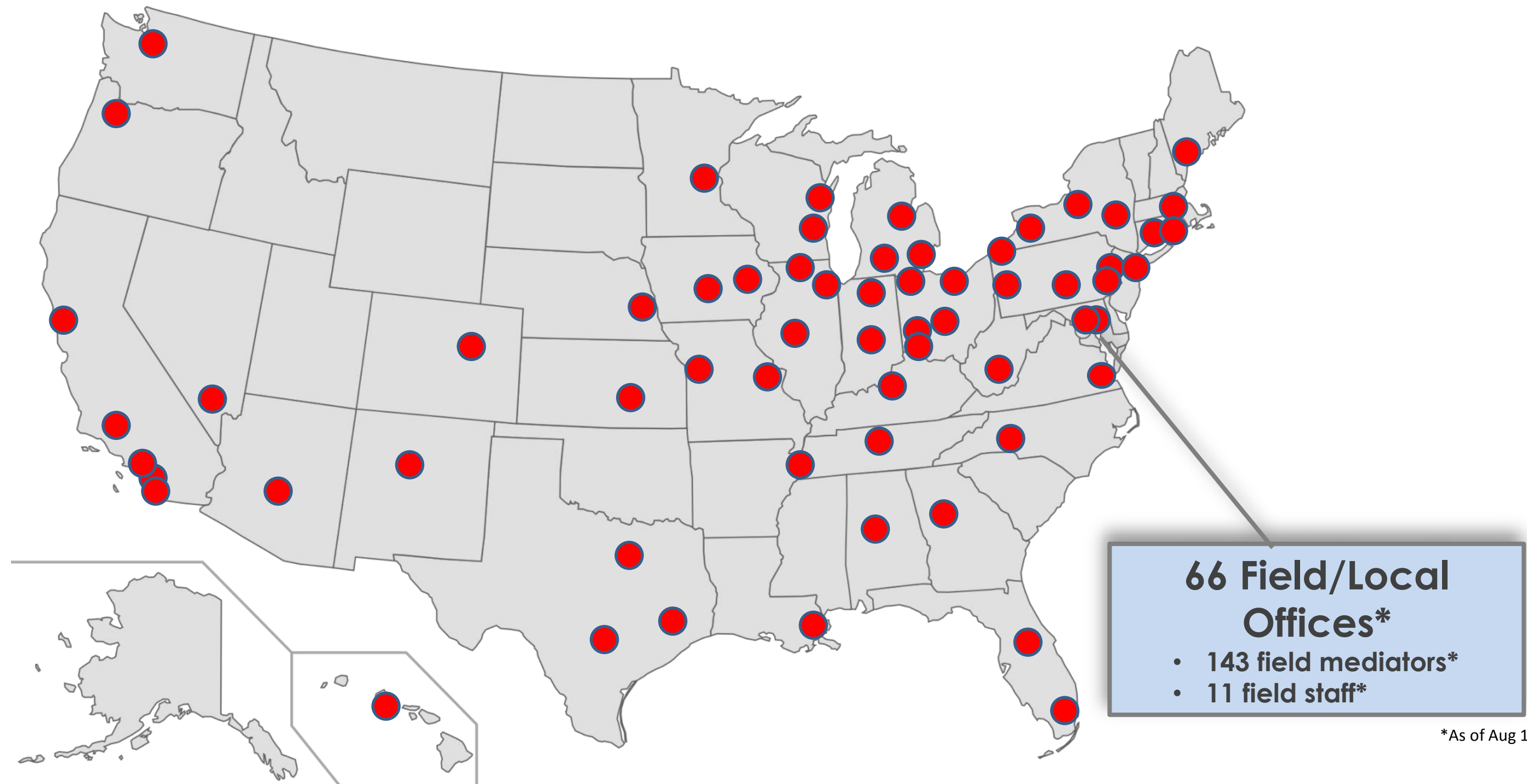
# FMCS Structure







# FMCS Structure



# FMCS: The Best Place to Work!



## First Among Small Federal Agencies in 2018

- Received the **top ranking among 28 small Federal agencies** as a “best place to work” in the government, according to an analysis of survey results by the nonprofit Partnership for Public Service.
- First among small agencies in several individual categories, including **Effective Leadership, Innovation, and Empowerment**.
- FMCS was the top-ranked “best place to work” among small agencies in **2005, 2007, and 2015**; and placed in top five every year of survey.



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# FMCS: How Can We Help You?



# How Can Mediation Benefit You?

Mediation, the use of a third-party neutral, can help you “bridge the gap.”



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# Mediation: An Effective Tool for Conflict Resolution

- Parties retain control of resolution
- Voluntary (in most cases)
- Informal vs. formal process
- Time efficient
- Cost effective



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# A Federal Mediator Can:

## Help Parties

- Clarify issues
- Define problems
- Generate options
- Explore alternatives



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# A Federal Mediator Can:

## Help Parties

- Keep talks moving forward
- Make suggestions
- Establish realistic expectations



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A man in a white shirt and blue tie is standing and speaking to a group of people in a meeting. He is gesturing with his hands. The background is a blurred office setting with other people seated at a table.

# FMCS Services





# FMCS Services

## COLLECTIVE BARGAINING MEDIATION

- *Private, Public, and Federal Sectors*

## RELATIONSHIP DEVELOPMENT AND TRAINING

- *Customized training for labor and management*

## GRIEVANCE MEDIATION



# FMCS Services

## ARBITRATION SERVICES

- *Maintains a nationwide roster of highly qualified arbitrators and promotes the advancement of fair and effective labor arbitration*

## EDUCATION, ADVOCACY, and OUTREACH

- *Of Collective Bargaining and Dispute Resolution Processes and Services*



# FMCS Services

## **EMPLOYMENT MEDIATION and NON-COLLECTIVE BARGAINING ADR SERVICES**

- *As an alternative to litigation of non-labor employment disputes, public policy and regulatory disputes*
- *Includes consultation, convening, design, training, and neutral services*





# FMCS Services

## CONFLICT MANAGEMENT AND PREVENTION SERVICES FOR GOVERNMENT

- *Outside the collective bargaining arena, FMCS provides employment mediation services to the Federal sector and to state and local governments.*
- *Our services help reduce litigation costs and promote better government decision-making.*





# FMCS Services



## SHARED NEUTRALS PROGRAM

- *Interagency mediation program administered by FMCS in the metropolitan Washington, DC and Baltimore areas*
- *Provides collateral duty, non-FMCS neutrals to participating Federal agencies for consultation of non-complex employment mediation cases*



# FMCS Services

## FMCS INSTITUTE

- *Unique Training*
- *The FMCS Institute for Conflict Management delivers conflict resolution training that's accessible, practical, experience-based and directed towards individuals and small groups of employees and managers.*



A photograph of a group of people in a meeting. In the foreground, a woman with dark hair and glasses is seen from the side, looking towards the right. In the background, a man in a white shirt and tie is standing and smiling. Other people are visible in the background, some sitting and some standing. The image is slightly blurred, giving it a candid feel.

# The Impact of Mediation on the Bargaining Process

# In fiscal year 2018, FMCS mediators:



- Actively monitored **10,500** collective bargaining negotiations
- Actively involved in mediating nearly **3,200** collective bargaining negotiations
- Achieved settlement in **86.2%** of the cases





# FMCS By the Numbers

## A National Look – FY 2018\*

- **18,400** Notices Filed with FMCS
- **10,537** Assignments to Mediators
- **3,166** Active CB Mediations

\*FMCS Closed Case Data





# FMCS By the Numbers

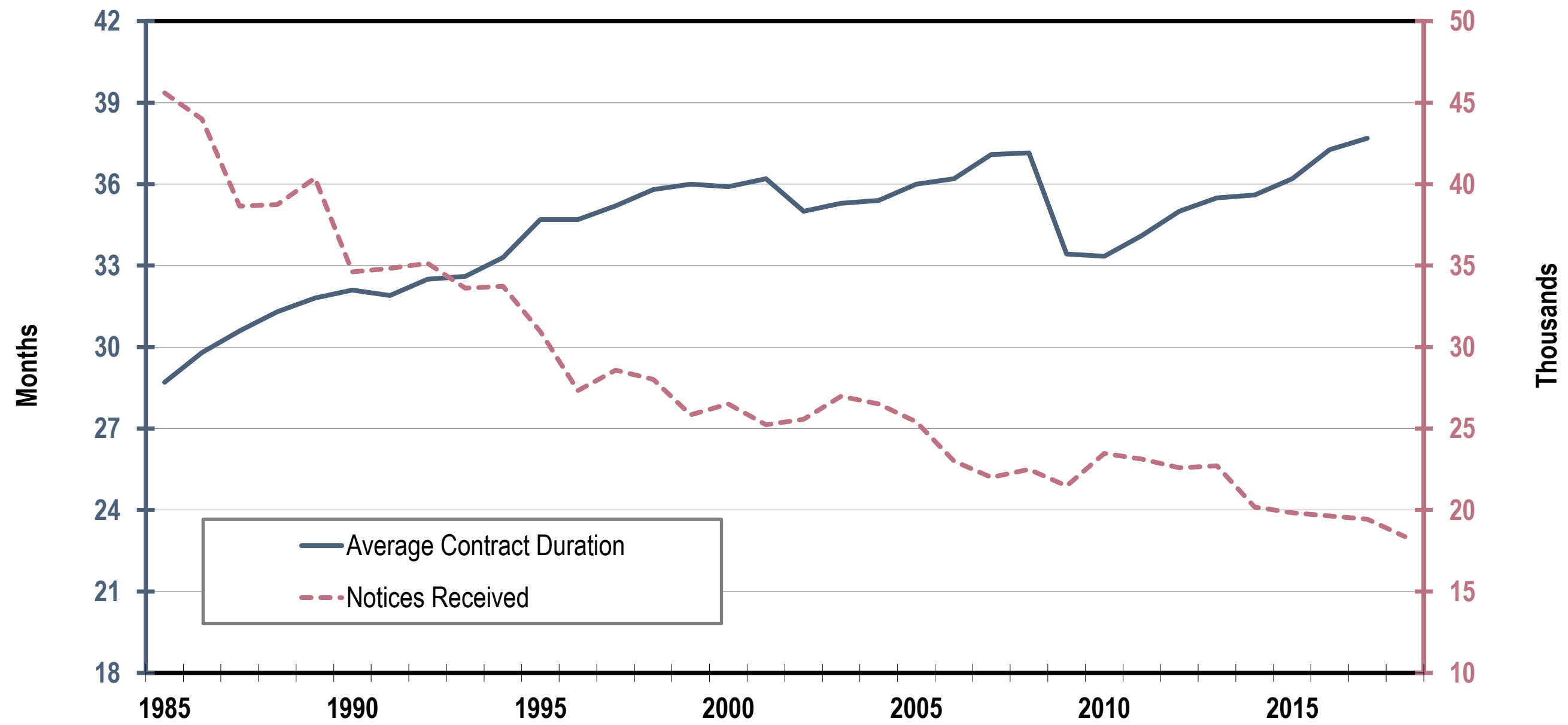
## A National Look – FY 2018\*

- **1,815** Training Programs Conducted (RDT)
- **1,641** Grievances Mediated
- **1,081** Employment Mediations Conducted

\*FMCS Closed Case Data

# Collective Bargaining Trends

Bargaining Notices Received and Contract Durations, 1985-2018



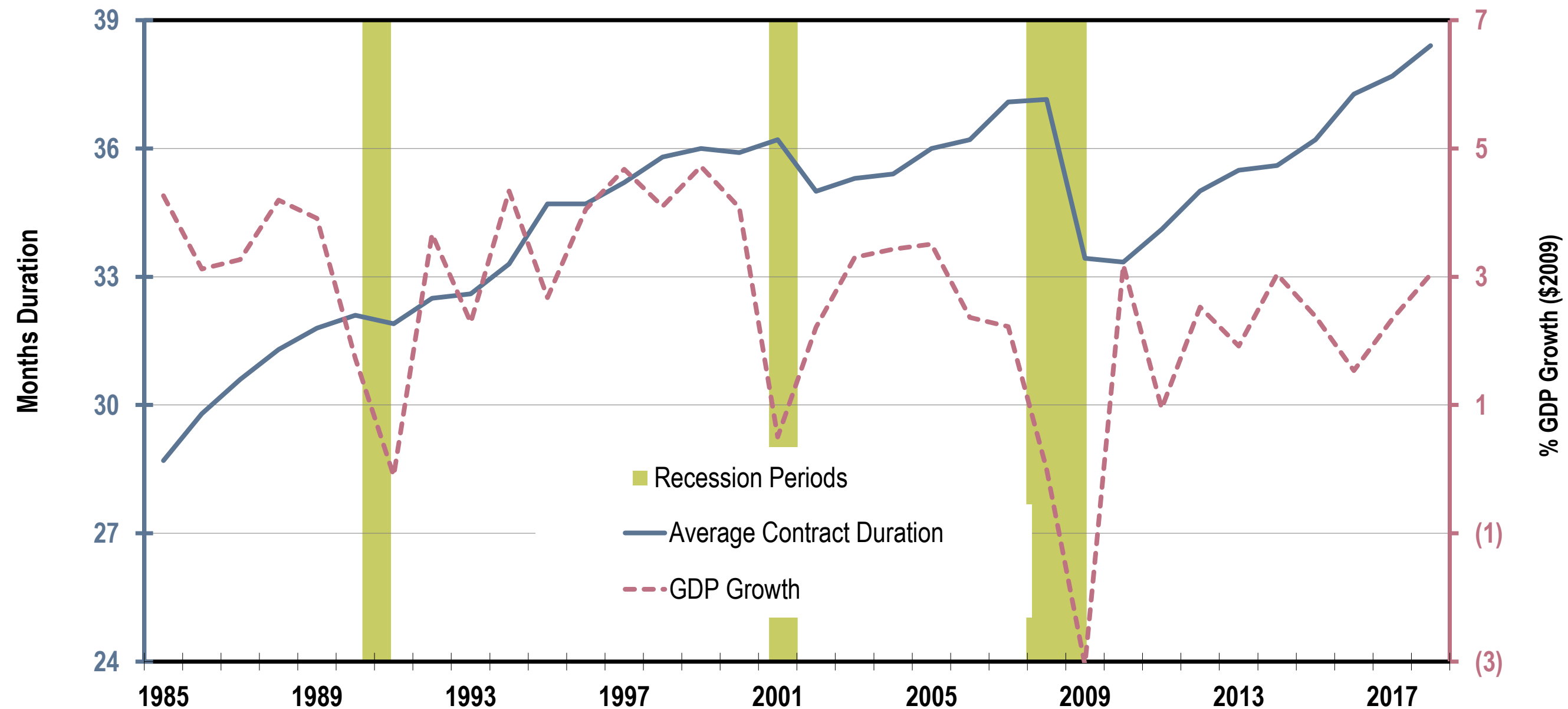
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# Effect of Business Cycles

## New Contract Durations v GDP Growth, FY 1985–2018





# FMCS Services



## ARBITRATION SERVICES

- *Through its Office of Arbitration Services, FMCS administers a roster of approximately 1,000 highly qualified and experienced arbitrators.*
- *Arbitrators are selected for the roster based on standards of excellence in a process overseen by the Arbitration Review Board and subject to approval of the Agency Director.*





# FMCS Services



## ARBITRATION SERVICES

- In FY 2018, FMCS provided more than **11,968** arbitration panels to requesting parties, with **4,116** appointments from the FMCS roster by the requesting parties to hear their dispute.

# Cooperative Relationships

## Keys to Cooperative Relationships of Any Kind

1

### **COMMUNICATION**

(Develop joint problem-solving teams)

2

### **COMMUNICATION**

(Don't let problems fester)

3

### **COMMUNICATION**

(Be honest about issues)

4

### **COMMUNICATION**

(Know when to get help)



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# For more information: [www.fmcs.gov](http://www.fmcs.gov)

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# THANK YOU.

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